REMARKS

Summary of Office Action

Claims 45-77 are pending in this application.

The Examiner said that applicants' arguments filed in the June 18, 2007 Reply To Office Action have been considered but are not persuasive.

The Examiner finally rejected claims 45-77 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description.

The Examiner finally rejected claims 45-77 under 35 U.S.C. § 101 for failing to fail within a statutory category.

Independent claims 45 and 58 were finally rejected under 35 U.S.C. § 103(a) as being obvious from Huang et al. U.S. Patent No. 6,593,936 (hereinafter "Huang") in view of Baru et al. U.S. Patent No. 7,028,252 (hereinafter "Baru").

Independent claim 54 was finally rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Montgomery et al. U.S. Patent No. 6,380,950 (hereinafter "Montgomery") and Jacobs et al. U.S. Patent Application Publication No. 2004/0249708 (hereinafter "Jacobs").

Independent claims 63 and 68 were finally rejected under 35 U.S.C. § 103(a) as being obvious from Sezan et al. U.S. Patent No. 6,236,395 (hereinafter "Sezan") in view of Baru. Independent claims 63 and 68 were also finally rejected under 35 U.S.C. § 103(a) as being obvious from Sheth et al. U.S. Patent No. 6,311,194 (hereinafter "Sheth") in view of Baru.

Independent claim 72 was rejected under 35 U.S.C. § 103(a) as being obvious from Sheth in view of Baru and Montgomery. Independent claim 72 was also finally rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Baru and Montgomery.

Dependent claims 46-53, 55-57, 59-62, 64-67, 69-71, and 73-77 were rejected under 35 U.S.C. § 103(a) as being obvious from of the above in combination with other references (*see* September 4, 2007 final Office Action).

Summary of Applicants' Reply

Applicants submit concurrently herewith a Request For Continued Examination under 37 C.F.R. § 1.114.

Applicants have amended independent claims 45, 54, 58, 63, 68, and 72 and dependent claims 55, 59-62, 64, 69, and 73 to more particularly point out and distinctly claim the subject matter that applicants regard as the invention. Dependent claims 47, 49-52, 56, 65-67, 70, 74, 75, and 77 were amended to conform to their respective independent claim.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

Rejections of Claims 45-77 Under 35 U.S.C. § 112

Claims 45-77 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. In particular, the Examiner said the claims contain subject matter that was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the invention, at the time the application was filed, had possession of the claimed invention.

These rejections are respectfully traversed.

The claims have been amended to delete the limitations cited by the Examiner as giving rise to the rejections.

Accordingly, applicants respectfully request that the rejections of claims 45-77 under 35 U.S.C. §112, first paragraph, be withdrawn.

The Rejection of Claims 45-77 Under 35 U.S.C. § 101

Claims 45-77 were rejected under 35 U.S.C. § 101. In particular, the Examiner said that "claims 45-62 fail to place the invention squarely within one statutory class of invention" and that claims 63-77 "fail to fall within a statutory category."

These rejections are respectfully traversed.

Independent claims 45 and 54 have been amended to define a computer readable medium storing data to be read by a computer processing system. The stored data comprises a server application program and a document type definition (DTD) for use in storing, retrieving, searching, or tracking digital assets in a database. Support for these amendments is found in applicants' FIG. 4 (note server application 404) and specification, page 11, line 23, to page 12, line 6.

Independent claim 58 has been amended to also define a computer readable medium storing data to be read by a computer processing system. The stored data comprises a client application stored on the computer readable medium for use in storing, retrieving, searching, or tracking digital assets in one or more databases. Support for this amendments is

found in applicants' FIGS. 3 and 4 (note XML project applications 303 and client application 402) and specification, page 10, line 23, to page 11, line 22.

Independent claims 63, 68, and 72 have been amended to define a computer system comprising, among other things, a server and a processor coupled to the server, the server comprising application software and a database, and the processor operative to execute search and retrieval software to search and retrieve digital assets from the database. Support for these amendments is found in applicants' FIG. 2 and specification, page 9, line 16, to page 10, line 22.

These amended claims are plainly directed to useful articles of manufacture and apparatus and, therefore, the subject matter of amended independent claims 45, 54, 58, 63, 68, and 72 and dependent claims 46-53, 55-57, 59-62, 64-67, 69-71, and 73-77 should be statutory.

Accordingly, applicants respectfully request that the rejections of claims 45-77 under 35 U.S.C. § 101 be withdrawn.

The Rejections of Independent Claims 45 And 54 Under 35 U.S.C. § 103(a)

Independent claim 45 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Baru, and independent claim 54 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Montgomery and Jacobs.

These rejections are respectfully traversed.

Amended claim 45 defines a computer readable medium storing a server application program and a document type definition (DTD). The DTD defines the structure of metadata for at least three different types of digital assets stored in a single database, the different types selected from the group consisting of photographs, movies, graphics, text documents, audio recordings and video recordings. The DTD also defines metadata for the

rights management of at least two of the different types of digital assets. When the server application program is executed on a computer processing system, (1) the DTD is accessed, (2) a demand for digital asset information is processed for transmission to the single database, and (3) search results listing different types of digital assets are returned from the single database and processed for display to a user.

Amended claim 54 also defines a computer readable medium storing a server application program and a document type definition (DTD). The DTD defines the metadata structure of at least three different types of digital assets including photographic, audio, promo, video, movie, and voiceover digital assets. The server application program includes modules for a parser, a query language utility, and a style sheet processor. When the server application program is executed on a computer processing system, (1) the parser accesses the DTD, (2) the query language utility converts a demand containing user entered search parameters into a query to be transmitted to a database, and (3) the style sheet processor converts search results returned from the database into a style sheet for input to a client application.

The combinations of "Huang and Baru" and "Huang, Montgomery, and Jacobs" do not result in applicants' invention as defined in amended claims 45 and 54.

Huang is directed to a "method and system for description of synthetic audiovisual content" (abstract, lines 1-2; emphasis added). Indeed, Huang describes "synthetic" audiovisual content as "graphics and animation" (column 2, line 58) and "sound generated via a model on a computer or computerized synthesizer" (*id.* at lines 63-65). Huang excludes video and audio recordings, which it considers "'natural' representations" (*id.* at line 57 and lines 60-61). See, also, Huang's appendix, column 15, line 4: "Natural Audio Visual Scene is

outside of the scope of this invention." Huang is therefore limited to defining and searching for only "synthetic" audiovisual content.

Applicants' invention is not limited to "synthetic" audiovisual content. To the contrary, applicants' invention as defined in claims 45 and 54 includes at least three different types of digital assets selected from groups that include photographs, movies, text documents, audio recordings, and video recordings.

The Examiner cited Baru because it purportedly teaches a DTD that defines metadata attributes for rights management of video recordings and graphics.

The Examiner cited Montgomery because it purportedly teaches storing photographs, audio, and voiceovers on a disk. Montgomery is directed to "client-side production in a personal computer environment of low bandwidth images and audio" (Montgomery column 3, lines 7-10; emphasis added). Montgomery's FIG. 4B, cited by the Examiner, shows a production module 470 used to create and view "a low bandwidth television production" (*see* column 7, lines 15-55 and FIG. 3).

The Examiner cited Jacobs because it purportedly teaches storing advertisements on a storage medium. Jacobs is directed to "e-mail software which incorporates an automatic advertisement download function for automatically downloading advertisements to be displayed when the e-mail software is activated" (Jacobs, page 3, paragraph 21). Jacobs is also directed to software for use on a client device that .... instantiates an advertisement download function" (*id.* paragraph 26; cited by the Examiner).

As such, neither Baru, Montgomery, nor Jacobs teaches or suggests database storage, searching, and retrieval of disparate types of digital assets based on a DTD that defines

the data structure of the disparate types of digital assets. As disclosed in applicants' specification, applicants' invention "relates to data definitions that allow disparate types of digital assets ... to be easily and economically stored, retrieved, and tracked" (page 1, lines 9-12; emphasis added).

In particular, neither Baru, Montgomery, nor Jacobs teaches or suggests a computer readable medium storing "a server application program and a ... DTD for use in storing, retrieving, searching, or tracking at least three different types of digital assets stored in a single database" (amended claims 45 and 54).

More particularly, neither Baru, Montgomery, nor Jacobs teaches or suggests a DTD defining the metadata structure of at least three different types of digital assets as required by claims 45 and 54.

Baru, Montgomery, and Jacobs, therefore, do not make up for the deficiencies of Huang.

Thus, the combinations of "Huang and Baru" and "Huang, Montgomery, and Jacobs" do not result in applicants' invention as defined in amended claims 45 and 54.

Accordingly, applicants respectfully request that the rejections of amended independent claims 45 and 54 under 35 U.S.C. § 103(a) be withdrawn.

The Rejection of Independent Claim 58 Under 35 U.S.C. § 103(a)

Independent claim 58 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Baru.

This rejection is respectfully traversed.

Amended claim 58 defines a computer readable medium storing a client application program for use in storing, retrieving, searching, or tracking digital assets. The client application program causes a computer processing system to (1) access a document type definition (DTD) that defines the structure of metadata for at least three types of digital assets selected from the group consisting of photographs, movies, graphics, promos, voiceovers, text documents, audio recordings and video recordings; (2) prompt a user to enter search criteria that includes one or more types of digital assets; (3) return search results listing different types of digital assets found; and (4) present the user with an opportunity to download or retrieve one or more of the different types of digital assets listed in the returned search results.

As discussed above, Huang is limited to descriptions and searches of only synthetic audiovisual content, and Baru was cited because it purportedly teaches a DTD that defines metadata attributes for rights management of video recordings and graphics.

Thus, neither Huang nor Baru teaches or suggests a client application program that (1) accesses a DTD that defines metadata for at least three types of digital assets; (2) prompts a user to enter search criteria that includes one or more types of digital assets; (3) returns search results listing different types of digital assets found; and (4) provides an opportunity to download or retrieve one or more of the different types of digital assets found in the search.

Therefore, the combination of Huang and Baru does not result in applicants' invention as defined in amended claim 58.

Accordingly, applicants respectfully request that the rejection of claim 58 under 35 U.S.C. § 103(a) be withdrawn.

The Rejections of Independent Claims 63, 68, and 72 Under 35 U.S.C. § 103(a) Based On Sezan

Independent claims 63 and 68 were rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Baru, and independent claim 72 was rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Baru and Montgomery.

These rejections are respectfully traversed.

Amended independent claims 63, 68, and 72 are directed to computer systems for storing, searching, retrieving, and tracking different types of digital assets. These computer systems include a server and a processor coupled to the server. The server comprises application software and a database. The database stores a plurality of (e.g., at least three or four) different types of digital assets. The computer systems also include (1) search and retrieval software operative to execute on the processor and to request a user to enter one or more digital asset types as search criteria, and (2) a document type definition (DTD) or data definitions file accessible by the server application software. The DTD or data definitions file defines the data structure of each different type of digital asset stored in the database (*see, e.g.*, applicants' specification, Example 1, on pages 16-24).

Support for these amendments is found throughout applicants' specification and drawings. For example, "FIG. 2 shows a hardware system 200 that can be used to manage digital data defined with data definitions in accordance with the invention" (page 9, lines 16-18). And FIG. 5 shows a digital library search display screen where "[i]nteractive feature 503 ... accepts user entries for the type of asset to retrieve" (page 12, lines 21-22; emphasis added).

Sezan purportedly discloses various description schemes for managing audiovisual information. Although Sezan mentions meta information for a video or audio

program, it does so in the context of a single video or audio program, not a collection of digital asset types: "Referring to FIG. 15, the meta information description scheme 408 generally includes various descriptors which carry general information about a [note singular] video (or audio) program" (Sezan, column 27, lines 7-9; emphasis added).

Sezan does not teach or suggest a DTD that includes metadata for two or more types of digital assets. The only disclosure of a DTD in Sezan is in an XML example of its description schemes, beginning in column 14, line 53. The reference is to an external DTD file entitled "mpeg-7.dtd" (*see, e.g., id.* at line 54) -- the content of which is not disclosed.

Sezan also does not teach or suggest a database storing a plurality of (e.g., three or four) different types of digital assets.

Sezan further does not teach or suggest a user entering one or more types of digital assets as search criteria for a database search.

As discussed above, Baru was cited because it purportedly teaches a DTD that defines metadata attributes for rights management of video recordings and graphics. Thus, Baru does not make up for the deficiencies of Sezan.

As also discussed above, Montgomery is directed to "client-side production in a personal computer environment of low bandwidth images and audio" (Montgomery column 3, lines 7-10; emphasis added). Montgomery does not teach or suggest DTDs, much less DTDs that define metadata of different types of digital assets as defined in applicants' claims. Thus, Montgomery also does not make up for the deficiencies of Sezan.

Therefore, the combinations of "Sezan and Baru" and "Sezan, Baru, and Montgomery" do not result in applicants' invention as defined in amended claims 63, 68, and 72.

Accordingly, applicants respectfully request that these rejections of claims 63, 68, and 72 under 35 U.S.C. § 103(a) be withdrawn.

The Rejections of Independent Claims 63, 68, and 72 Under 35 U.S.C. § 103(a) Based On Sheth

Independent claims 63 and 68 were rejected under 35 U.S.C. § 103(a) as being obvious from Sheth in view of Baru, and independent claim 72 was rejected under 35 U.S.C. § 103(a) as being obvious from Sheth in view of Baru and Montgomery.

These rejections are respectfully traversed.

Sheth purportedly discloses a system and method "for creating a database of metadata" (Sheth column 4, lines 54-55, and abstract, line 1).

The Examiner said "Sheth teaches a DTD having declared elements and attributes of different types (audio or video files) of assets" and cited Sheth FIGS. 6 and 4 and column 2, lines 45-50 and column 10, lines 25-55 (September 4, 2007 final Office Action, page 2).

Sheth's FIG. 4 shows a simple table (3 rows, two columns) of text describing information that might be retained concerning specific sites from which assets are extracted -- FIG. 4 therefore does not show anything about different types of digital assets or a DTD defining metadata for different types of digital assets.

Sheth's FIG. 6 shows an XML-based definition for a movie (*see* "<category>Movie</category>") -- thus, FIG. 6 shows an XML-based definition for only one type of digital asset. That is, Sheth's FIG. 6 shows "a sample of a [sic] XML-based definition of an asset" (column 6, lines 8-9; emphasis added). This XML document for a single type of media is created by an "extractor" (*see* column 11, lines 11-56). An extractor uses extraction rules (*id.* at line 42) that "list the metadata attributes for the type [note singular] of media that [a Web] site

contains" (*id.* at lines 43-45; emphasis added). Thus, Sheth's FIG. 6 contains data values encoded in XML about a movie, and not a DTD encoded in XML containing definitions of data elements pertaining to different types of digital assets (as required by applicants' claims 63, 68, and 72). Accordingly, Sheth's FIG. 6 does not show a feature of applicants' invention.

Furthermore, Sheth consistently refers to the content of the XML document as being of a single type: "the type of media" and "the asset type." Seth explains that its extractors scan for (and thus create XML documents of) only one type of media because "[t]he set of attributes associated with, for example, a news video (reporter, location, event date, etc.) is different from the set of attributes associated with a sports highlight (teams, players, score etc)" (column 11, lines 46-50; emphasis added). Thus, Seth teaches away from creating a single XML document that contains definitions of more than one type of digital asset.

Therefore, although Sheth discusses metadata for digital assets, Sheth does not teach or suggest a DTD that includes metadata for two or more types of digital assets.

As discussed above, Baru was cited because it purportedly teaches a DTD that defines metadata attributes for rights management of video recordings and graphics. Thus, Baru does not make up for the deficiencies of Sheth.

And as also discussed above, Montgomery is directed to "client-side production in a personal computer environment of low bandwidth images and audio" (Montgomery column 3, lines 7-10; emphasis added). Montgomery does not teach or suggest DTDs, much less a single DTD that defines metadata of different types of digital assets as defined in applicants' claims. Thus, Montgomery also does not make up for the deficiencies of Sheth.

Therefore, the combinations of "Sheth and Baru" and "Sheth, Baru, and Montgomery" do not result in applicants' invention as defined in amended claims 63, 68, and 72.

Accordingly, applicants respectfully request that these rejections of claims 63, 68, and 72 under 35 U.S.C. § 103(a) be withdrawn.

The Rejections of Dependent Claims Under 35 U.S.C. § 103(a)

Dependent claims 46-53, 55-57, 59-62, 64-67, 69-71, and 73-77 were rejected under 35 U.S.C. § 103(a) as being obvious from combinations of various cited references (*see* September 4, 2007 final Office Action).

These rejections are respectfully traversed.

For at least the reasons discussed above with respect to independent claims 45, 54, 58, 63, 68, and 72, from which the dependent claims depend directly or indirectly, these dependent claims are not obvious from the cited combinations of references (i.e., dependent claims are patentable if their independent claim is patentable).

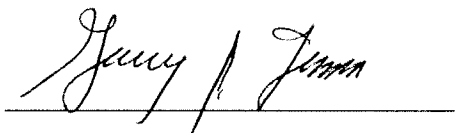
Accordingly, applicants respectfully request that the rejections of claims 46-53, 55-57, 59-62, 64-67, 69-71, and 73-77 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

The foregoing demonstrates that claims 45-77 are allowable. This application is

therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



Garry J. Tuma
Registration No. 40,210
Attorney for Applicants

JONES DAY
Customer No. 20583
222 East 41st Street
New York, New York 10017
(212) 326-3939